

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Adopted and Filed Without Notice

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby amends Chapter 8, "Executive Branch Lobbying," Iowa Administrative Code.

These amendments implement an amendment made to Iowa Code section 68B.5A(2) in 2008 Iowa Acts, chapter 1191, section 39. That particular section now states that the restrictions on lobbying by a head of a major subunit of a department or a full-time employee of an office of a statewide elected official apply only to an official or employee whose position involves the substantial exercise of administrative discretion or the expenditure of public funds. The amendments also include the addition of a reference to an exception to the general prohibition found in subrule 8.17(4).

Pursuant to Iowa Code section 17A.4(3), the Board finds that notice and public participation prior to the adoption of these amendments are impracticable, as it is desirable to have the Board's rules reflect current statutory requirements.

These amendments are intended to implement Iowa Code section 68B.5A(2).

These amendments will become effective on September 2, 2009.

The following amendments are adopted.

ITEM 1. Amend subrule 8.17(1) as follows:

8.17(1) Lobbying restrictions—statewide elected officials and executive or administrative heads.

a. A person who serves as a statewide elected official, the executive or administrative head of an agency, or the deputy executive or administrative head of an agency shall not act as a lobbyist during the time in which the person serves or is employed by the state unless the person is designated to represent the official position of the person's agency.

b. A person subject to this prohibition may not accept employment as a lobbyist for two years after leaving state government except as provided in subrule 8.17(4).

ITEM 2. Amend subrule 8.17(2) as follows:

8.17(2) Lobbying restrictions—employees of statewide elected officials and other department or agency employees.

a. The head of a major subunit of a department or independent state agency whose position involves substantial exercise of administrative discretion or the expenditure of public funds or a full-time employee of an office of a statewide elected official whose position involves substantial exercise of administrative discretion or the expenditure of public funds shall not act as a lobbyist during the time in which the person is employed by the state before the agency that the person is employed by or before state agencies, officials, or employees with whom the person has substantial or regular contact as part of the person's duties, unless the person is designated to represent the official position of the person's agency.

b. A person subject to this prohibition may not accept employment as a lobbyist for two years after leaving state government if the employment involves lobbying before the agency that the person was employed by or before state agencies, officials, or employees with whom the person had substantial and regular contact as part of the person's former duties except as provided in subrule 8.17(4).

ITEM 3. Amend subrule 8.17(3) as follows:

8.17(3) Lobbying restrictions—state employees with conflicts of interest. A state employee who is not included in subrule 8.17(1) or 8.17(2) shall not act as a lobbyist in relation to any particular case, proceeding, or application with respect to which the person is directly concerned and personally participates as part of the person's employment, unless the person is designated to represent the official position of the person's agency. Persons subject to this prohibition may not accept employment as a lobbyist for two years after leaving state government if the employment involves lobbying in relation to

any particular case, proceeding, or application with respect to which the person was directly concerned and personally participated as part of the person's employment.

[Filed Without Notice 7/9/09, effective 9/2/09]

[Published 7/29/09]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/29/09.